

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

Presidential Review Memorandum/NSC

TO: The Vice President
The Secretary of State
The Secretary of Defense

ALSO: The Attorney General
The Director, Office of Management
and Budget
The Director of Central Intelligence
The Chairman, Joint Chiefs of Staff
The U.S. Representative to the United Nations
The Archivist of the United States
The Counsel to the President

SUBJECT: A Comprehensive Review of the Classification System

I am concerned by the continuing abuse of the classification system.

Too much information is being classified and withheld from the American public for excessive periods of time. *Also, too much information which must be kept secret in the interests of national security is being leaked.*
Although progress has been achieved during the past five years under the Freedom of Information Act as amended, Executive Order 11652 and the Privacy Act, these abuses still continue. *protection,*

I therefore direct that a new Executive Order be prepared which will establish the government's policies with respect to the classification and declassification of national security information and material. The new Executive Order should:

- Provide for the maximum release of information to the American public on government activities and policies consistent with the need to protect essential national security information;
- Promote increased public access to this information through a more rapid declassification program;

- Be consistent with the requirements of the Freedom of Information Act as amended and the Privacy Act;
- ~~Redefine~~ Define that information which warrants continued protection and establish the proper criteria for making this judgement;
- Simplify the present classification system to facilitate its understanding and implementation and eliminate unnecessary and duplicative practices and procedures, thereby reducing expense;
- Provide for classification and declassification guidelines by the Departments and Agencies;
- Establish in the Executive Office of the President an office authorized to implement the provisions of the new Executive Order and to oversee the classification and declassification programs of the Departments and Agencies;
- Provide disciplinary action for arbitrary and capricious use of the classification and declassification system by government officials.

The new Executive Order shall be prepared by an ad hoc Committee under the Chairmanship of the Deputy Assistant to the President for National Security Affairs. It should be ready for my signature by June 15, 1977.

This Presidential Review Memorandum supersedes National Security Study Memorandum 229.

OGC 77-2154
5 April 1977

MEMORANDUM FOR : Acting Staff Secretary, National Security Council
FROM :
Associate General Counsel
SUBJECT : Proposed PRM Directing Study of the Classification System

25X1A

1. We have reviewed the proposed PRM which would direct a restudy of the classification system, including the changes you and I agreed for the first two paragraphs. Our people see a number of problems in the first two paragraphs, even in the amended form. First it seems inappropriate to emphasize "abuse" as the reason for the new study. It is a fairly minor point and the substitution of a new Order is not the necessary or appropriate step to cure a situation of noncompliance. Serious and meaningful enforcement and implementation obviously is the solution to continuing abuse. In addition, the language in that regard is accusatory in tone. Further, you will recall that ICRC on several occasions has struggled rather unsuccessfully with a definition of that term. And finally, it seems unlikely that the President really has an informed view that there is continuing abuse.

2. The reference to the Freedom of Information and Privacy Acts seems out of place. The latter has nothing to do with the classification system and the former, while it has done much to accomplish the release of information, is a costly process. Further, the statement would tend to be a parenthetical Presidential endorsement of the Freedom of Information Act, but in a context in which the President has not addressed the merits of the Act. We suggest substitution of the following for paragraphs 1 and 2:

As you know, I am firmly committed to the concept of openness in government and I desire that government operations and information be made known to the public to the extent possible. I am equally concerned that information in the possession of the government which because of its importance to the national security should not be disclosed publicly is given adequate safeguards and its disclosure is prevented. In order to contribute to the accomplishment of both of these objectives, I am directing an executive branch

review of Executive Order 11652, the current authority and basis for the protection, classification and declassification of national security information. The new Executive order should. . .

3. It is also suggested that the 15 June deadline is too tight. As you know, many senior level people in the national security areas are actively at work on the PRM-11 exercise with a due date almost certainly not obtainable. Slippage in completing that study would have an impact on the completion of the proposed 11652 study. Perhaps 15 July would be safer.



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2	AD/DCI/IC	J	5 APR
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mentioned
this draft PRM on security/
compartmentalization at a morning
staff meeting

Jim P. Copies OPEI
& OPP/SECOM please

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JOANNE

MR

AA

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PRM on Classification

NNTC

NOTES:

FE -

~~Handball~~
~~DIS~~
Draft PRM on
revising E.O. 11652 on
Classification -
makes some good corrections
in his memo (also attached)

Considering the Executive
Branch tried for over a
year with the same
task (NSM 229) a due
date of 15 June is
ridiculous... hopefully
more rational judgment
will prevail.

is very interested
in involved in this
naturally heading it.

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Remarks:			
<p>Dick,</p> <p>The attached is the draft PRM which Mike Hornblow of the NSC staff distributed last week to the ICRC members for their informal comments. Also attached is my memo of comments to him.</p>			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
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